

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

IN RE:

CASE NO.: 19-10423-JDW

JIMMIE LOIS KING,

CHAPTER 13

Debtor

**RESPONSE TO OBJECTION TO NOTICE OF POSTPETITION
MORTGAGE FEES, EXPENSES, AND CHARGES [DKT. 32]**

WILMINGTON SAVINGS FUND SOCIETY, FSB, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS INDENTURE TRUSTEE FOR NRPL TRUST 2018-2 (“Secured Creditor”), by and through its undersigned attorney, hereby files its Response to Objection to Notice of Post-Petition Mortgage Fees, Expenses, and Charges [#32] (“Objection”), (# 34), and in support thereof states as follows:

1. Secured Creditor holds an interest in Debtor’s real property located at 4543 HIGHWAY 4 W, HOLLY SPRINGS, MS 38635.
2. Secured Creditor timely filed its Proof of Claim, Claim No.11, on March 26, 2019.
3. Pursuant to Federal Rule of Bankruptcy Procedure 3001(f), a proof of claim (and, by extension, supplemental proof of claim) executed and filed in accordance with the Bankruptcy Rules “shall constitute prima facie evidence of the validity and amount of the claim.”
4. On August 16, 2019, Debtor filed an Objection, asserting allegations opposing Secured Creditor’s claim.
5. Debtor asserts that the fees are unreasonable and requests Court enter an order disallowing the fees, expenses, and/or charges of \$850.00.
6. Debtor will not be prejudiced by allowing the Notice of Post-Petition Mortgage Fees, Expenses, and Charges to stand as timely filed. All amounts stated are reasonable and

permitted by the loan documents. The \$175.00 for the Plan Review and the \$500.00 for Plan Objection are more than reasonable and an acceptable amount. Due to new rules and time restraints of filing a Proof of Claim timely along with amount of time and detail, the \$175.00 proof of claim fees and the preparation of the 410A pay history is reasonable and acceptable because counsel is required to review payment histories, assemble payment information, and totals under numerous categories from date of default.

7. Additionally, Secured Creditor objects to Debtor's request for attorney's fees and costs as Notice of Fees, Expenses, and Charges, Docket No. 32, is neither incorrect nor improper as filed.

8. Secured Creditor reserves the right to supplement its Response to Debtor's Objection at any time before or at the hearing.

WHEREFORE, Creditor respectfully requests that this Honorable Court overrules Debtor's objection and allows Secured Creditor's Proof of Claim as filed so as to preserve Creditor's Claim, and for such other and further relief as the Court may deem just and proper.

THE SUNDMAKER FIRM, L.L.C.

/s/ Gregory J. Walsh

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Attorney for Secured Creditor

CERTIFICATE OF SERVICE

I certify that the foregoing has been served on all interested parties as listed below by depositing same in the U.S. Mail, postage prepaid, and/or by electronic mail this 16th day of September, 2019:

Locke D. Barkley
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/s/ Gregory J. Walsh
Gregory J. Walsh